

**NOSB Executive Committee Conference Call Minutes Summary**  
**September 8, 2004**

**NOSB Members:** Mark King, Chair, Jim Riddle, Kim Dietz, Dave Carter, George Siemon, Andrea Caroe, and Rose Koenig. **Absent:** Nancy Ostiguy and Kevin O'Rell

**NOP Staff Member:** Arthur Neal, Keith Jones, Katherine Benham, Demaris Wilson, and Barbara Robinson

1. **Call to Order:** Mark King, Chair
2. **Review and Approve Agenda:** Approved
3. **Announcements:** MK stated that Kevin O'Rell will not be on the call because his mother just recently passed away and to keep Kevin in our thoughts for the next few days as he goes through some planning with his father. JR announced that last fall they had a board dinner at Asian Norris, and they would like to do something like that again. He sent a message to Becky and Ann to see if they could organize it for Wednesday night. GS announced that every year they do the Unsung Heroes dinner on Tuesday night and invited the NOSB members. Also invited are the NOP staff and some congressional people. JR stated that an e-mail inviting NOSB members to Asian Norris restaurant was sent out earlier to Mark, Beck and Ann because they helped organized it last year. MK stated that Ann is on the road, and didn't know if she would follow-up to other NOSB members but will need to check on that. **Action: JR to follow-up on that to see if people are interested, and will contact Ann or make the reservations.**

MK inquired about the details concerning Kevin's mother funeral services and asked Katherine if she could check on the contact information so that Board members can forward flowers or a card. KB stated that she would check with Kelly for more information. KD stated that if USDA can't send flowers, she will send flowers from Smuckers on behalf of the NOSB. JR inquired about the status of forwarding a card or flowers to Peter Murray's family. KD stated that she sent something out, but not on behalf of the NOSB, and said that she dropped the ball because a letter should have gone out. MK – stated that a letter could still go out. **Action: KD – will email out a draft letter to Mark.** MK – stated that he had totally forgotten until he started looking at the minutes to be perfectly frank, definitely a testament to the value of the minutes.

4. **Secretary's Report:** KD stated that there were two sets of minutes for approval - June and July. MK - Jim circulated the edits for the July minutes. JR – he circulated edits for June and July minutes. KB stated the corrections were made to the July minutes, and they were approved by Arthur and posted to the website. JR/MK pointed out that the July minutes were not approved by the committee prior to posting. KB – If there are, any changes to the July minutes can be removed from the website. MK - agreed. JR stated that he edited and incorporated the changes to the July minutes, however, moved to approve the recommended changes for both June and July or for approval separately. KD suggested voting on July's minutes first since those went out and are now posted. **Action: JR – moved for approval of the July minutes as amended. Dave Carter seconded. Unanimously approved. JR – motion that the June minutes be approved as amended. Dave Carter seconded. Unanimously approved.**
5. **Chair's Report:**

MK reminded everyone that listed on the October agenda is the election of officers, and if they know of any board members who are interested, they should start having discussions in details or face to face at the meeting. He also talked about how good it was having the opportunity to be vice chair under Dave, and felt that it was helpful for him to sit in the role on the board prior to being Chair. Although it's not policy and he wasn't suggesting that they do, but it would be helpful if the board should consider that when they look to the future of the board long after some of them are gone. KD stated that as people go off the board, they shouldn't be in committee chair roles, and suggested that people should get experience. The board should consider that because there are five members going off this year and then five off the following year. The members that are remaining should try to get into key positions for training future board members. MK – agreed that it was important.

MK stated that he had a brief phone conversation with RM, and talked about the meeting after these five board members go off; and that in the past some of the previous members have been invited back to the next meeting to help new members transition, not sure how that's going to happen. However, according to his understanding, they will be

## **Executive Committee Conference Call Summary**

September 8, 2004 – 10:00 a.m. Eastern

Page 2

welcome to attend the next meeting. JR – stated that in the past, travel and per diem was paid for those outgoing board members to attend that first meeting and they were allowed to sit in on committee meetings, but when the board meets, they're just in the audience, and might be called upon as needed to help clarify things for continuity. MK – they're not allow to vote, but are there to help as needed. JR stated that there are four going off, but five coming on. We're going to need a meeting in February; an orientation session and a planning strategy session would be very helpful because there's so much of a turnover to get the new people online possibly before they have a public meeting or in conjunction with the materials public meeting to spend at least a day and half just on reorganization. MK - in the past, the timeframe was depended upon when the appointments actually happen, and it was difficult to assess. He wanted to know if NOP heard anything about that or give them an indication as to when that would happen. KB stated that the applications are being review, and we are still requesting information from some of the applicants. December is the target date for submitting the applications to the Secretary for making selection.

### **6. Review NOSB October 12-14, 2004 Meeting Agenda:**

MK stated that he had only two things on the October agenda, and wanted to know what they thought was best on how to proceed. On point six of the October meeting agenda, his intent for the committee chair reports was really to do the same thing, and ask if they wanted to review the October agenda as written or would committee chairs like to discuss their items as committee chairs. MK - he sent out a copy of the agenda on last night, and the initial part of course is standard which is material. At 8:30, we listed discussion items with NOP and NOSB. Nothing changed from the original draft agenda but the intent was to have a discussion with NOP and talk about where they are on each of these individual items, create an action plan if necessary, and move forward. If there are differences, we need to get those on the table and have a frank discussion about it and create an action plan for moving forward. The NOSB Executive Director is one that may just be an update, and he thought that the letter of understanding with OMRI was sent to the ACAs.

JR stated that when they get to the Directives, the committees would have drafts that will become the vocal point of those discussions, and anticipated a dialog. KD wanted to know if they are going to have drafts ahead of the meeting to see what everybody is doing; and GS said that Livestock committee would have drafts ready. DC - the PDC scope document, he'll discuss with Barbara and see when they are going to start that draft to have something ready for discussion.

MK - talked with JR and RM about how important it is to have a rough draft written down so that they have a starting point for discussion. JR - on the scope document, they should itemize each of those different sectors and have an update on what's happening on that particular sector, such as personal care products. DC was concern about having too much confusion with the various drafts on the individual items and then have a scope one. JR stated that they are not presenting draft standards; it's more of an update, such as a task force being form on aquatic species, or whatever. MK suggested renaming the PDC committee report from Scope Document to Scope Update. GS - Livestock will have two drafts for antibiotics and fishmeal as a feed supplement, and the committee will meet on today and next week, and felt that there was no reason why they shouldn't have the drafts ready.

### **PUBLIC INPUT:**

MK stated that listed on the agenda for public input are two materials, methionine and sodium nitrate. They are expiring October 21, 2005, and they will need to have a discussion on what they want to do with those materials. We want to know what the public feelings and thoughts are on those. JR stated that people have contacted him about this agenda and this item mystifies them because it is not clear that it's a request for public comment on these topics. KD reviewed the past minutes, and it's not too much for the board to do with these materials because they are supposed to come off the List. It should be an announcement and have public testimony. MK – should a formal announcement be sent out for clarification to understand where the industry is. GS/JR – agreed that it should be labeled public comment period /request for input, and then NOSB and NOP request input on these subjects. However, not for the normal public comment period. MK – it's under public input. GS – usually it says public comment. KB - it'll be listed in the Federal Register Notice as the Board receiving public input. MK – will the individual topics be listed as

## Executive Committee Conference Call Summary

September 8, 2004 – 10:00 a.m. Eastern

Page 3

part of that announcement? KB – yes. JR – the comments are not limited, because this is just a request for any comments on these topics. It's not listed again for the Friday input session, but we still would like to continue to receive input on these topics at that time as well, and it should be announced.

DC – personal care or supplements are not listed. AC - from her conversation with Mark and Richard, there are no actions that they can take on that other than to pass that information along. If you read the Notice on those two, the request for information is asking for written information.

MK stated that according to RM's logic, they are outside of the scope of the board and the Program, and they affect the industry. Therefore, they thought it appropriate to send out a request for information to obtain written comments. RM also stated that it was difficult for him to justify having the board spend time at a public meeting or significant time for something that is outside of the scope of the program and the board. They are important and his comment was that they can't really act on it, and as Andrea has said, we can't forward that information to appropriate industry associations or consumers groups as we see fit. That's why the documents ended up being separated. DC - he would continue to push to gather some input on that and they also talked about the idea of having somebody from FDA to be on hand because there are certain things outside the scope of the program. Anything that's on the shelf that's labeled organic affects the integrity of the program.

DC - we need to have a game plan for having industry input or figure out what the FDA process is. JR stated that during the last executive call in August they actually voted on the questions. Barbara stated that they should be asking two questions; should these things be regulated or not. JR redrafted the document and sent it to Andrea and thought that the very brief questions were going to be posted right away. He also stated that he was confused about what they were going to do with them today, and if they are going to be posted, they should solicit public comments for October meeting.

JR - there were two different drafts documents, one is a detailed series of questions and that's clearly in writing. The other one with the two questions said that public comments will be solicited at the October meeting. AC - the drafts are no longer valid, because after the phone call with Mark and Richard that set of questions was redrafted. A fax was sent out, and (1) we cannot take time at this meeting to devote to that subject, and (2), we're going to go through the industry instead of the FDA directly in order to get a bigger impact. The redrafted questions were sent to Mark who sent them to Dave for approval. MK stated that they weren't approved through PDC because Dave's been on the road and he had been on the road as well. The drafts provided today are for informational purposes and for discussion. AC - we still want the same end, and still want to get to FDA with information, but the information is going through the industry, instead of going directly from USDA/NOP. JR - he was still confused about whether we are going to try to approve some questions for posting today and solicit some comments on these subjects.

MK – it's up to Dave. Because it really needs to come out of PDC first and they did not have a chance to do anything with them. AC – the reason that the conference call happen between Richard, Mark, and me is that she hounded the NOP office trying to find out why they weren't posted. RM explained why they were being held up and why they felt that it was not in the best interest to post those, and why they were outside of what he thought the program should be doing. **Action: DC will pull together a PDC meeting for next week to have a discussion, and circulate the document to Executive committee via email for comments.** JR – and whatever the PDC comes out with will have the pre-endorsement of the Executive committee and he moved for posting because they probably will not meet again. Are we? MK – yes. We probably will need to meet one more time, however the document should be circulated via e-mail so that the Executive Committee could comment and then go forward from there. [Tape stop]

**MATERIALS:** (Rose joins the call)

**INERTS:** JR - on the October meeting agenda for Day 1, they have a line item for the Materials and Crops committees, that inerts document – the retracted directive and now they are the committee's opinions or recommendations on that subject. RK stated that the committee discussed that and suggested an Inerts Task Force back in 2003, where they made a draft recommendation to the board; it was May 13, 2003, on inerts. A lot of that was

## Executive Committee Conference Call Summary

September 8, 2004 – 10:00 a.m. Eastern

Page 4

well written and researched by a larger group and will go with that document, and then modified that document for comparison to the directives to merge the two in some kind of analyses. There will be documentation; she and Nancy can get that together this week for posting. JR stated that it should be circulated and included in the meeting book.

**Action: RK to develop a working draft that can go into the meeting book, provide to Katherine, and circulate to the rest of the board.** RK - once the two documents merged, they would need to have a joint call between the materials and crops committee to go over that document and get final approval as a joint recommendation.

**SUNSET:** JR - on Day 2 of the agenda, he was checking with the committee chairs to make sure that the agenda items are accurate, and wanted to know the status of Sunset, such as the action plan, and standard operating procedures for the board's role in the Sunset process. A formal discussion and approval of the comments was submitted and have already been incorporated. RK - it was done. However, she didn't look to see if the final provision was posted on the web. JR - the document was discussed in detailed, and redrafted it into recommendation language and submitted early August. AN stated that it was not on the website. JR suggested inserting the document into the meeting book for discussion at the meeting.

RK stated that Arthur presented his version at the last meeting and the board presented their version, and merging the two documents into a more comprehensive version – the historical uses of sunset, etc. Arthur then presented to the Board his recommendation a couple of days prior to the meeting. They could not discuss that document nor vote on it at the meeting, and so it went back to committee. Jim, Kim and Rose primarily provided comments although it was open up to the entire board to provide comments. They had a materials committee meeting and they incorporated the changes and discuss with Arthur, and did a yea and nay on those changes. Jim provided the final version, and the executive committee voted on that, but it was never a full board vote. The committee made a recommendation to post the final document for information.

**INTERPRETATION OF OFPA – NATIONAL LIST:** JR - the next one is interpretation of OFPA – National List and some materials issues. RK - wanted to discuss the one draft of a preliminary analysis of the way they review OFPA in terms of having categories, and analyzing the List of what should or should not fit into those categories of the existing materials. It's more of a discussion and they can vote on directions, and can she add more to that document. She, Arthur and the committee will need to discuss because she presented a lot of questions in the document, and didn't know if they wanted to discuss that document, and some of the important issues that are coming out.

JR – didn't recalled seeing that document, and hasn't read it. RK – will resend it; Mark requested her to send the document right after the last executive committee call. RK stated that she did a follow-up and sent a copy out to Mark that Friday.

MK – it was his understanding to say that they need to develop an ongoing strategy for understanding on how OFPA and the National List interact. Become involved in not just developing the strategy, but an action plan to open the Act and the Rule if needed. An outline makes sense and it sounds like the original materials document or assessment provides some of that. Even if you have an outlined for us so that we can ensure we have productive discussion and directions that would make sense. JR – so it's more of an analysis of the problem, or just the situation at this point.

**Action: RK will go back to that document for rewrite and put it in more of a recommendation form.** She wanted to know if they wanted a committee assessment. JR – it would be good if you could bounce it around to the whole board as a committee draft and then seek other input. If it comes out as a committee document, that's going to be best; even if it's still exactly the same as yours.

**FOOD CONTACT SUBSTANCES:** JR stated that since Kevin was not available on the call could Kim or Andrea provide an update on Food Contact Substances on those recommended materials and how it all relates. AC stated that they have a meeting on the following morning at 7 a.m., and they will have updates after the meeting. JR – will AC have an agenda for that meeting, and if she seen it? AC stated that she haven't seen the agenda. JR – ask her to submit those items to that meeting to check in and provide an update to someone, not sure if Kevin will be available

## Executive Committee Conference Call Summary

September 8, 2004 – 10:00 a.m. Eastern

Page 5

for that call, didn't know if there's a vice chair (Goldie Caughlan) for that committee. That's something we need to clarify in the future whose the vice chair of every committee. We'll just look for that in the future.

JR – then we have the Tom Bewick report and wanted to know if he had been formally invited from the NOP. AN stated that NOP did not invite him. JR stated that he had been in communication with Tom to make sure that time was available to him, and since the agenda was set, he did not contact him to confirm his attendance at the Board meeting. BR – the Board should contact him. **Action: JR – will contact Tom Bewick and confirm his attendance.**

RK – so the concept for him is to talk about the funding that is available and what has been funded and the future direction of that program? JR – exactly. A report on the total number of applications they received and then what was the funded – how much money was available vs. how much was requested. What's happening with the next round; just an opportunity to inform the public and us about the USDA Organic Research Program, and a little break from our tedious routine.

### **LIVESTOCK COMMITTEE**

JR - George we have a couple of items regarding formation of two different task forces. GS stated that the PDC as the committee to prepare a response to the directives. Was this task force driven by the livestock committee or was it driven by the bigger group? He was trying to recall. JR – yes. The aquaculture task force was a request from the policy committee. Wild caught was something that Rick added in this revision of the agenda. GS stated that he was trying to catch up on those two. There are two meetings, one today and one next week. They will work on both of the directives.

RK asked Jim if he remembered the last task force because there was an issue in terms of how task forces were enacted and who would serve and what the policy was in terms of individuals that make up the task force. JR stated that the board's policy manual does have a paragraph about task forces, and they should look at that in forming any new task forces to make sure they are following it. If it's inadequate, then it should be revised. RK talked about the issue of task force confidentiality and she wanted to make sure that they abide by that. She also suggested for clarification sending around to the committee an introductory letter that puts parameters around the duties and responsibilities so that it's clear to members. MK thought it was an excellent idea to lay the ground rules right up front.

BR – your board policy manual said the following about task forces that, “as determined by the board or executive committee task forces shall be appointed to explore specific issues and present draft recommendations to the board or to a committee. Task forces may include members of the public who do not serve on the board; each task force shall include at least one member of the board. Minutes should be taken, each task force shall submit a final report to the board, and each task force shall be disbanded when its work is concluded.”

JR stated that there's nothing in there and they should probably consider that task forces operate under the same confidentiality and rules of procedures as the board and all other committees. He also said that after hearing what Rose was saying and how they had a problem last time that some task force members didn't. RK also suggested pulling those statements out of the board's policy manual in terms of confidentiality and attached it as an amendment.

JR – wanted to know from George if the committee have a draft list of the charge of the task force, what are the goals and objectives, and then suggested members. GS – Jim will represent the policy stuff and he will need to be caught up on the wild caught assignment. They have two meetings and there's no reason why they can't get it done.

JR - hearing BR described formation of task forces it said, “as authorized by either the board or the executive committee,” and wild caught has not been authorized by us, it was requested by NOP at this stage. He made a motion that formally authorizes formation of a wild caught task force. BR wanted to know if the organizing of the task force will be made at the board meeting to address wild caught. MK stated that they discussed having it on the meeting agenda and forming a task force at the October meeting, and there were no other plans to do anything else. BR

## Executive Committee Conference Call Summary

September 8, 2004 – 10:00 a.m. Eastern

Page 6

suggested postponing until .... not to make a recommendation now. They should do this formally at the board meeting. JR - and then solicit volunteers coming out of that. GS – they can recommend people at that time.

MK stated that if George wanted to discuss this and have some members in mind, and know that officially in October he would form a task force then nothing should be done beyond that. He also felt that Rose brought up a good point concerning amending the policy board manual, but that it wasn't his responsibility on this project. He didn't really see much more than that unless there's some groundwork that was important. GS and Jim would continue their discussion offline. JR – it's important to clarify the objectives – what is the charge or reasons for these task forces.

RK suggested going back to the old aquatic task force report because they did touch upon wild caught. BR – you have several recommendations on wild caught. RK – wanted to know about the details because it was a comprehensive report and there's a lot in there, and they didn't need to re-create the wheel on that.

AC thought that the reason that wild caught was tagged on was because of the writer on the Bill. BR stated that Senator Stevens amended the Act, and for you guys to discuss aquaculture without discussing wild caught is going to cause problems. So that's why Rick said that you can't do one without the other. It is true that you have a fair history on both, and what I would be doing if it was me and was making this recommendation or motion at the October meeting, the first thing that I would do with the task force is tell them to review all the history on this, including what's in the regulations and the preamble. Start from there and figure out what are the appropriate questions, what's the lay of the land, and where to go from there. You start with everything that's already been done. Then there is an aquaculture working group in existence that Rick has been following, and he knows a lot of these folks. There are some people from CSREES that's on it and some folks in industry they have been having numerous meetings over the past several years and then made quite a lot of strive in terms of what are the kinds of parameters that need to be dealt with in order to certify an organic aquaculture operation. You would definitely want either someone from that group that is part of the task force or the task force liaising with that group. Those issues could be settle – kind of make your recommendation in October, find some folks, sit down and have a discussion about who do we need, where do we want them to start, and how do we want them to interface with these existing groups out there to make this an efficient process. **Action: JR – the livestock committee will need to take all this under consideration and come to the meeting with something to be considered and make a motion at that time, and did not entertain a motion.**

### **MATERIALS COMMITTEE**

JR wanted to know the status on the revised federal register notice for petitioned substances. RK – that it was a request from Arthur on that item and going over the original petitioned what we are requesting from manufacturing vs. what exactly is appropriate; a kind of analysis of what we are requesting, and could that be revised or should it be revised. JR – it was a proposed rule in June 2000, and then has never been finalized, but it's been followed – the petition instruction notice whether that needs to be revised. Will the committee have something to consider on that? RK – We could take a stab at it, but our big priority is the extraction document. MK – Arthur what's your sense on this petitioned instruction notice. What do you need, what do you want? AN – as we already discuss that particular document is a little bit out of date. There's a movement now for people wanting to get identify on the national list of materials or agriculture products that are not organically available, and the board will have to have some type of way of assessing when an ingredient is not available in organic form. The particular notice that is now from July 13, 2000, does not include any information requesting any of that type of information from the public if they wanted to petition the board for the inclusion of such ingredients. There should probably be some more emphasis added or the board needs to look at the type of information that they requested from petitioners to find out whether or not if we need more information to make sure that the petition is a better quality and more use to us. If there are any specific areas of interest, concerning crop or livestock materials that we would want the petitioner to do up front work rather than having the Department, the board or the TAP contractor to do the upfront work. These are the type of things that we are talking about to make sure that the types of petitions that we are getting are more use to us.

MK – what you're saying is that what our ultimate goal is to have a more complete petition once the Department and the board receive it. JR – Rose, it sounds like it's not likely that the committee is going to have a draft of how it

## **Executive Committee Conference Call Summary**

September 8, 2004 – 10:00 a.m. Eastern

Page 7

should be revised. Will the original notice dated, July 13, 2000, be included in the meeting book so that the committee can do some work. Arthur already has a handle on some of the deficiencies or some of the questions that need to be ask that are currently not addressing. They can start identifying the deficiencies, have it on the work plan coming out of the meeting, and then redraft it. **Action: RK – keep it on there, and the committee can work on some of the issues with Arthur to get something discuss on it.** JR – if we have the document in the meeting book that will help us focus our discussion. AN – and we can post up the 2000 Federal Register notice and link to the agenda.

### **MATERIALS REVIEW - REFINING THE PROCESS:**

RK stated that she will talk to Arthur and they will at least be able to represent what is currently proceeding as far as the process so that they can modify that document. JR – you will be making a show of that process once again during that slot, and hopefully it will be a process that everyone will be on the same page at least by the time you're finish. AN – I don't foresee a change in that much in terms of what's on the website. Because what we went through today was pretty much the way things should have been carried out previously. The committee had an opportunity to look at the petitions, they formulated their thoughts, and we talked through those thoughts and identified those concerns – concerning petitions that we can now communicate back to the TAP contractors, or to the petitioner whether or not this material can even be petitioned under the Act. That's the way we foresee this relationship working out and this process working out with the review of petitions under the Act. RK – and then it goes back to that original flow chart. AN – right. **Action: JR requested having the CD with the entire meeting book up on the screen for the people in the audience to follow during the Board's discussion.**

### **POLICY DEVELOPMENT:**

DC stated that the two items that they will go through regarding the issue on the policy for scheduling meetings, and you have the revisions that have been developed for the board policy manual. JR – actually, there's none standing right now; so it's more if BR has some for us from her review it's more just a discussion of changes that we see needed, and we won't be voting on any. BR stated that she will have some, and it won't be anything catastrophic or major. DC asked if BR will a draft or anything that they could glance over if they have a policy development committee meeting within the next 10 days. Action: BR – will try to send the draft via e-mail telling you what they are even if I don't send you the full comments. Dave left call to attend a meeting.

### **ACCREDITATION:**

JR – no discussion; is that still the case? AC stated that the committee members have been busy doing other things and that she and Jim were the only ones that are responding to any thoughts of a meeting. There was nothing to discuss at this time.

BR wanted to know what's the deal with having a discussion about scheduling meetings; do you mean committee meeting or board meetings, or what? JR stated that he and Andrea had some suggestions for improving the Board process and drafted something which then got referred to the Policy Committee that ultimately would be an amendment to our board policy manual about how much fore notice we give and just to tighten up their process. BR – oh all right. JR – is that correct Andrea? AC – that is correct.

Nancy Ostiguy dropped off call and Rose provided information regarding Crops Committee report.

Remaining people on the conference call: Rose, Jim, Andrea, Mark, Barbara, Katherine, Demaris, and Arthur.

### **CROPS COMMITTEE:**

### **EXTRACTION PROCESS:**

## **Executive Committee Conference Call Summary**

September 8, 2004 – 10:00 a.m. Eastern

Page 8

RK - will draft a document on what are extraction processes, and look at it in terms of definition of synthetic. She will try to determine what makes a natural synthetic in terms of once it undergoes some kind of extraction process. Then categorize examples of naturals that are used or are already in existence like BTs, and how they are extracted. They want to provide a factual document on what's out there in the industry, how are things extracted, and what are the possible methodologies of extracting. It's not going to be a document to recommend. A policy would eventually come from that background paper so it's simply kind of a thoughtful paper on the general concept of extraction upon which the committee will then try to draft some kind of recommendation so that they can put boundaries and greater understanding on extraction. JR – so it will be a first draft for discussion purposes.

MK – did Steve Harper and others on the board have a document about technologies used? Not sure if extraction was included in that, but I just want to throw that out. JR – it was a first draft for discussion but it was on processing technology really related to food processing. MK – it may or may not be helpful Rose, but if you need it, I have a copy of it and will send a copy to you by next week. AC – suggested calling Steve Harper and getting a copy from him. However, AC will provide Rose with a contact number. JR – if that can address synthetic vs. non-synthetic issues and ag vs. non-ag issues. RK stated that she will not take a stab on non-ag because this is really going to focus on crops and extraction. JR – they are really needed because there is so much confusion out there in the industry.

### **SOY PROTEIN ISOLATE VOTE:**

JR wanted to know if they will have a vote on soy protein isolate. RK – the committee decided to defer that until the extraction paper. MK – do we have a plan for contacting the petitioner so the petitioner doesn't show up for the meeting? RK – the committee talked about contacting the petitioner so that they could provide some more information in terms of enlightening us on anything that they may have in terms of the extraction process. MK – and you understand why Rose, because this poor fellow has been around for 2-1/2 years, and just wanted to make sure that we kept that dialog or communication open. **Action: AN will contact the petitioner regarding deferring of the soy protein isolate material.**

### **ELECTION OF OFFICERS:**

JR – the election of officers closed that day and then we will review our work plans and also the meeting schedule, and if we can have a meeting on materials vote and issues yet in 2004. I think we need to seriously consider that and schedule that at that time and the next meeting when we have five new board members in early 2005 for an orientation planning strategy type meeting. Then we will close out with public input and that will be it.

JR asked NOP if they wanted to add anything to the NOP slot for comments, or provide anything additional or instructions about the Board meeting. KB stated that the meeting information regarding the hotel and other instructions for travel was forwarded and they should have an authorization number to make travel arrangement. However, according to the travel coordinator they could not make travel reservation until the authorization was officially sign and Carlson is contacted. BR - because of the ending of the fiscal year they can't obligate funds for travel at this time – even thou we know that this is going to take place, we have to wait until after September 30. MK – left the call.

### **COMPOST TEA TASK REPORT:**

RK – wanted to know if there was a time slot vote on the Compost Tea Task Force Report recommendation. JR – No. RK also wanted to know if the compost tea task force recommendation from the last meeting was posted to the web site for public comment. KB – No. RK – that definitely will have to go up because they are supposed to be taking public comments on it as a draft recommendation. The report was done, but they couldn't vote on it as a board. It should have been posted after the last meeting and up for public comment because that is what the committee voted on – it was voted to accept it as a preliminary draft to be voted on. That same document has not change because none of the board members has altered any of it, because it was supposed to be posted and we were to discuss any of the public comment and then do an actual vote on it at this meeting. AN – it's on the agenda for the April meeting.



## Executive Committee Conference Call Summary

September 8, 2004 – 10:00 a.m. Eastern

Page 9

**Action: KB will move the Compost Tea Task Force recommendation to the committee recommendation page and request public comment, and list under the Crops Committee presentation as an action item for a vote.** JR also wanted to make sure that the recommendation was included on the Federal Register Notice under the Crops Committee report vote.

Barbara and Andrea left the call.

RK – we already voted on the compost report prior to and then the compost tea came as an additional report. She also talked to Eric about the two recommendation sections, and the reports are very long, but the recommendation sections are really what in essence that when we vote on the report we are also voting on that section. The recommendations are the things that have to be pulled out and used as for certifiers. This is the problem that he is seeing in terms of the application of these reports. The NOSB is voting on them, but their statutory – what do they mean is the question of in terms of as far as certifiers how do they interpret it. Is it NOP policy at that point? Obviously not, it's just our recommendation. That is the question – how do we take the recommendation sections of those two reports and merge them into one document and how do we determine if NOP agrees with that or not.

AN – well, what is going to have to happen is that NOP will provide feedback to some of the other recommendations that the board has made. RK – do we provide that in terms of our voting or is that just generally understood that what's come out of these recommendations. AN – provide what? RK – do we request that in an official manner, or is that just understood that – I don't think that it's quite understood by certifiers what their legal status of those documents are. JR - the way that it seems to me is that the Board has heard that this is an issue and has done work on it and made a recommendation but that's really a starting point for the dialog and kind of a frame work for collaboration. Then you guys respond to us and we engage in a dialog, and then you post some kind of clarification statement that certifiers will follow. AN – that's correct. JR – it would be a work product whether we initiate or you initiate, but that we have a dialog and get in agreement and get on the same page and that's what goes out. AN – right. There could be and he wasn't sure, based on the review of the documentation there could be the effect of rulemaking has to take place. Based on the framework for collaboration we do have to engage in a conversation concerning this issue.

RK – can we present it in some form because what she and Eric discussed regarding the recommendation section is the most important section? Can we pull those sections out and then present them to the NOP as something that we recommend for a clarification statement or policy similar to the directives. We feel that this should be further developed into a directive. AN – but based on the recommendation themselves that's enough to initiate the evaluation of the recommendation in terms of how does it fit under the NOP regulations. Now the outcome of that particular evaluation of the recommendation, right now it can't be finalize until either, (1) the Department makes a statement this is the way it is, or (2) rulemaking takes place if it needs to take place in order to change the regulation or to make the regulation clear in an area where it said that something may not be able to take place and the board is saying that we would like for this to take place. RK – what we need to do as a board is to look at all those and what you've done Jim is make a chronically of what has gone on and what's still pending, to know if there has been any action taken. JR – I've got somewhat of a handle on that but we really haven't taken it to the next step of that dialog. AN – right. JR – we need to go back and look at what are the priorities of existing recommendations and what can we move forward either as a rulemaking or some kind of clarification statement from the program. AN – that's it. RK – that may be a policy committee work plan. JR –once we hear from NOP on the framework, and that will then give us the structure to move some of these things forward and we'll just have to prioritize for the board – ok Compost Tea is right at the top, let's figure it out or whatever.

JR – the last action we took was making sure that that item was added to the agenda; otherwise, the compost tea is revoke. There is no other action we can take and I think who is all here.....people remaining on the call – Jim, Rose, Arthur, Katherine and Keith.

JR – Mark thought we should have another executive meeting between now and October. JR will circulate something to see if they should or need to have a conference call meeting. AN – the most time should be spent on committee

## **Executive Committee Conference Call Summary**

September 8, 2004 – 10:00 a.m. Eastern

Page 10

stuff to formalize their recommendations and drafts. Just finalize those documents. JR stated that maybe in the week right before the meeting they could have an executive committee kind of check-in call to review what's coming up and which of the committee drafts are on the table and which are not. Maybe we can just do that by e-mail as well. Action: JR will send updates to Mark, and let him take it from there.

Adjourned – 11:33 a.m.